

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

|                                       |   |                      |
|---------------------------------------|---|----------------------|
| In the Matter of                      | ) |                      |
|                                       | ) |                      |
| Amendment of Part 90 of the           | ) |                      |
| Commission's Rules to Permit          | ) | WT Docket No. 11-69  |
| Terrestrial Trunked Radio (TETRA)     | ) |                      |
| Technology                            | ) |                      |
|                                       | ) |                      |
| Request by the TETRA Association for  | ) |                      |
| Waiver of Section 90.209, 90.210, and | ) | ET Docket No. 09-234 |
| 2.1043 of the Commission's Rules      | ) |                      |

**REQUEST FOR CLARIFICATION**

Motorola Solutions, Inc. ("MSI") hereby requests clarification of the scope of the Commission's partial waiver granted to the TETRA Association concerning the use of TETRA technology on certain Part 90 land mobile radio frequencies.<sup>1</sup>

On November 20, 2009, the TETRA Association requested a waiver of the FCC's occupied bandwidth limit and emission mask rules found in Sections 90.209 and 90.210 as well as a waiver of Section 2.1043's permissive change rules for certified equipment. On April 26, 2011, the Commission released the above-referenced order granting the waiver in part, pending the outcome of a companion notice of proposed rule making that seeks comment on whether TETRA technology should be permitted on a permanent basis, and if so, what technical rules are needed to allow TETRA operation without causing interference to existing systems (including public safety systems).

MSI believes that the interests of all affected parties would have been better and more appropriately served had the Commission denied the waiver request and instead

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<sup>1</sup> Amendment of Part 90 of the Commission's Rules to Permit Terrestrial Trunked Radio (TETRA) Technology and Request by the TETRA Association for Waiver of Section 90.209, 90.210, and 2.1043 of the Commission's Rules, *Notice of Proposed Rule Making and Order*, WT Docket No. 11-69, ET Docket No. 09-234, 76 FR 27296 ("Waiver Order").

initiated and completed a rulemaking proceeding prior to considering the relief requested by the TETRA Association. Having granted the waiver in advance of the outcome of the rulemaking proceeding, MSI believes that the Commission must now clarify the scope of the *Waiver Order* as discussed below.

First, in response to concerns raised by the National Public Safety Telecommunications Council (NPSTC), the Association of Public Safety Communications Officials – International, Inc. (APCO) and others about potential interference to public safety communications, the Commission points to a statement from the TETRA Association that “it does not intend to market TETRA equipment to public safety licensees.”<sup>2</sup> The Commission relies on this statement to restrict the relief granted in the waiver to non-public safety bands, and defers the issue of allowing TETRA in public safety bands to the rulemaking proceeding.<sup>3</sup> The Commission similarly defers to the rulemaking the issue of whether cellular-based TETRA systems will create “near-far” interference scenarios and thus limits the scope of the waiver to allow TETRA use in the 800 MHz band only on those frequencies allocated for high density cellular systems, namely 817-824/862-869 MHz.<sup>4</sup>

As the Commission is aware, numerous public safety systems awaiting band reconfiguration continue to operate on the former NPSPAC channels at 821-824/866-869 MHz. As the *Waiver Order* expressly defers to the rulemaking the issue of interference to public safety as well as the use of TETRA technology in public safety bands, the FCC must clarify, pending the outcome of the rulemaking, that TETRA technology is not

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<sup>2</sup> *Id.* at ¶ 22.

<sup>3</sup> *Id.* at ¶ 24.

<sup>4</sup> *Id.* The *Waiver Order* does not address potential remedies for avoiding near-far interference scenarios in the business and industrial pool frequencies at 450 MHz.

permitted in the 821-824 MHz and 866-869 MHz bands or that public safety systems in those bands are entitled to protection from co-channel and near-far interference created by TETRA systems that are deployed via waiver. Failing to make this clarification, the Commission would appear to be permitting TETRA systems to deploy on the same channels in the vicinity of public safety systems, which is at odds with the *Waiver Order's* expressed intention of not permitting the mingling of public safety and TETRA systems pursuant to the waiver.

Second, Section 90.425 of the Commission's Rules requires VHF and UHF stations to transmit station identification by voice or Morse Code. For the bands below 512 MHz, it is not permissible to transmit station identification in digital format. Hence, pursuant to Section 90.425, manufacturers of TETRA equipment, like manufacturers of other digital technologies, would be required to develop a station identification "kludge" that incorporates Morse Code into the digital transmission stream before users would be compliant with this section. As the Commission did not expressly waive this rule provision, MSI seeks confirmation that this requirement applies to TETRA systems operating under waiver in the 450 MHz band. In the alternative, the Commission could act on the long-standing proposals in WT Docket No. 07-100 to modify Section 90.425 in order to allow VHF and UHF stations that have earned channel exclusivity to transmit station identification in digital format.<sup>5</sup>

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<sup>5</sup> See Amendment of Part 90 of the Commission's Rules, *Second Report and Order and Second Further Notice of Proposed Rulemaking*, 25 FCC Rcd 2479 (2010). In addition to the transmission of station identification in digital format, this proceeding is also considering modifications to Section 90.425(e)(2) to permit the use of a single call sign for commonly owned facilities that are operated as part of a single system for all Part 90 licensees. Both of these issues need to be addressed for all applicable technologies and not just TETRA.

Third, in waiving Section 2.1043, the Commission discusses the fact that some manufacturers of TETRA equipment have shown compliance with existing emissions rules and received equipment authorization by using reduced power. For manufacturers in this position, the *Waiver Order* allows currently certificated TETRA devices that can be modified to operate with a higher transmitter output power by software upgrade only to file a Class II permissive change rather than requiring a new equipment authorization application.<sup>6</sup> While MSI applauds efforts to streamline the equipment authorization process generally, we seek clarification that any devices not already certified at the time the *Waiver Order* was issued must be certified at its maximum power, per the Commission's existing rules.

Respectfully submitted,

/s/ Chuck Powers

Chuck Powers

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May 26, 2011

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<sup>6</sup> *Waiver Order* at ¶ 23.

### **Certificate of Service**

I hereby certify that a true copy of the foregoing “Request for Clarification” was deposited in the United States mail, first class postage prepaid, on this 26th day of May, 2011, addressed to the following:

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